

FILED *LR*

MAR 26 2004

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

LARRY W. PROPPS, CLERK
CHARLESTON, SC

MEDICAL UNIVERSITY OF SOUTH
CAROLINA MEDICAL CENTER,

Plaintiff,

-versus-

BLUESTONE INDUSTRIES, INC. and
BLUESTONE INDUSTRIES EMPLOYEE
WELFARE BENEFIT PLAN,

Defendants.

) CIVIL ACTION NO.

2 04 0951 18

COMPLAINT

ERISA/COLLECTION ACTION

NON-JURY

COMES NOW the Plaintiff before this Honorable Court and would respectfully allege and state as follows:

ONE: Plaintiff Medical University of South Carolina Medical Center ("MUSC Medical Center"), is an agency of the government of the State of South Carolina, having its principal place of business in the County of Charleston, State of South Carolina and is a hospital engaged in the provision of health care under applicable state laws and regulations.

TWO: Upon information and belief, Defendant Bluestone Industries, Inc. ("Bluestone Industries") is a corporation organized and existing under the laws of the State of West Virginia.

THREE: Upon information and belief, Defendant Bluestone Industries Employee Welfare Benefit Plan ("the Plan") is a self-funded employee welfare benefit plan established and maintained by Bluestone Industries and is governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 *et seq.*

FOUR: The jurisdiction of this Honorable Court arises under the Employee Retirement Income Security Act of 1974 (hereinafter "ERISA"), 29 U.S.C. § 1001, *et seq.*

FACTUAL ALLEGATIONS

FIVE: On the following dates, Richard D. McFadden ("Mr. McFadden") was admitted to and/or treated at MUSC Medical Center: (1) April 18 through May 16, 2003; (2) May 20, 2003; (3) May 22, 2003; (4) May 27, 2003; (5) June 3 through June 18, 2003; (6) June 19, 2003; (7) June 20, 2003; (8) June 21, 2003; (9) June 22, 2003; (10) June 23, 2003; (11) June 25 through July 9, 2003; (12) July 11, 2003; (13) July 13, 2003; (14) July 15, 2003; (15) July 17, 2003; (16) July 18 through July 24, 2003; (17) July 28, 2003; (18) July 30, 2003; (19) August 6, 2003; (20) August 13, 2003; (21) August 18, 2003; (22) August 27, 2003; (23) August 28, 2003; and (24) September 2 through September 16, 2003.

SIX: Mr. McFadden died on September 16, 2003, while an inpatient at MUSC Medical Center.

SEVEN: On November 19, 2003, Nancy C. McFaddin, spouse of Mr. McFaddin executed a document entitled Assignment of Benefits/Rights - Designation of Authorized Representative. A copy of the document is attached hereto as Exhibit A.

EIGHT: During the course of his admissions to and treatment at MUSC Medical Center, Mr. McFaddin incurred expenses for medical goods and services in the total amount of Four Hundred Five Thousand Five Hundred Sixteen and 48/100 (\$405,516.48) Dollars.

NINE: Upon information and belief, at the time that the medical goods and services were provided to Mr. McFaddin, he was an employee or former employee of Bluestone Industries.

TEN: Upon information and belief, Bluestone Industries established and does maintain an employee welfare benefit plan for the purposes of providing medical/hospital benefits to its employees and former employees.

ELEVEN: Upon information and belief, Bluestone Industries is the Plan Sponsor and Plan Administrator of the Plan.

TWELVE: Subsequent to Mr. McFaddin's discharges, MUSC Medical Center submitted claims for benefits to Acordia National ("Acordia"), which, upon information and belief, served as the Third-Party Claims Administrator for the Plan.

THIRTEEN: By way of letters dated November 11, 2003, and December 2, 2003, copies of which are attached hereto as Exhibit B, counsel for Plaintiff wrote to Acordia National requesting the status of the claims submitted by MUSC Medical Center and a copy of the summary plan description.

FOURTEEN: By way of a letter dated December 2, 2003, a copy of which is attached hereto as Exhibit C, counsel for Plaintiff wrote to Bluestone Industries, requesting the status of the claims submitted by MUSC Medical Center and a copy of the summary plan description.

FIFTEEN: Counsel for Plaintiff received a letter dated December 9, 2003, from Acordia, a copy of which is attached hereto as Exhibit D, stating that some of the claims submitted by MUSC Medical Center for services provided to Mr. McFaddin had been processed and paid.

SIXTEEN: By way of a letter dated December 15, 2003, a copy of which is attached hereto as Exhibit E, counsel for Plaintiff once again requested a copy of the summary plan description.

SEVENTEEN: On January 16, 2004, counsel for Plaintiff sent a letter to Acordia with a copy to Bluestone Industries requesting an administrative review of the claims that had not been paid. A copy of the letter is attached as Exhibit F.

EIGHTEEN: Counsel for Plaintiff received a letter from Acordia dated February 19, 2004, a copy of which is attached as Exhibit G, stating that all claims in question had been received and processed by Acordia and that payment would be released upon receiving funds from Bluestone Industries.

FOR A FIRST CAUSE OF ACTION:
FAILURE TO PAY BENEFITS

NINETEEN: The allegations of Paragraphs One through Eighteen are repeated, realleged and reiterated as if fully set forth herein verbatim.

TWENTY: Upon information and belief, Mr. McFaddin was an employee of Bluestone Industries.

TWENTY-ONE: Upon information and belief, Bluestone Industries established and maintains an employee welfare benefit plan ("the Plan").

TWENTY-TWO: Mr. McFaddin received medical goods and services at MUSC Medical Center.

TWENTY-THREE: Upon information and belief, at the time that Mr. McFaddin received medical goods and services at MUSC Medical Center, Mr. McFaddin was a participant under the Plan and was, therefore, entitled to receive benefits pursuant to the terms of the Plan.

TWENTY-FOUR: MUSC Medical Center submitted claims for benefits to Acordia for services provided to Mr. McFaddin.

TWENTY-FIVE: Some of the claims submitted by MUSC Medical Center have been processed by Acordia and funded by Bluestone Industries.

TWENTY-SIX: Regarding those claims that have been processed by Acordia but not yet funded by Bluestone Industries, Bluestone has failed to follow reasonable claims procedures as required by 29 C.F.R. § 2560.503-1.

TWENTY-SEVEN: Although Bluestone Industries has failed to provide a copy of the summary plan description as requested, Plaintiff is informed and believes that payment is appropriate under the terms of the Plan.

TWENTY-EIGHT: As an authorize representative of a plan participant, MUSC Medical Center brings this action pursuant to 29 U.S.C. § 1132(a) to recover benefits due under the terms of the Plan for medical goods and services provided by MUSC Medical Center to Mr. McFaddin.

TWENTY-NINE: In the alternative, as an authorized representative of a plan participant, MUSC Medical Center brings this action pursuant to 29 U.S.C. § 1132(a)(1)(A) for a penalty of up to \$110.00 per day for failure to provide plan documents.

THIRTY: MUSC Medical Center requests pre-judgment interest in an amount to be determined by this Court.

THIRTY-ONE: Pursuant to 29 U.S.C. § 1132(g), MUSC Medical Center requests attorney's fees in an amount to be determined by this Court.

WHEREFORE, Plaintiff demands judgment against the Defendants in an amount equal to the benefits due and owing under the terms of the Plan, for a penalty of \$110.00 per day for failure to provide plan documents, for reasonable attorney's fees, for the costs and disbursements of this action, for pre-judgment and post-judgment interest, and for such other and further relief as this Court may deem just and proper.

Respectfully Submitted:



Linda C. Garrett (ID#6493)
LADDAGA - GARRETT, P.A.
Trident Research Center
5300 International Blvd., Suite B-203
North Charleston, SC 29418
Phone: (843) 207-5040
Fax: (843) 207-5045
E-Mail: garrett@sehealthlaw.com
ATTORNEY FOR PLAINTIFF

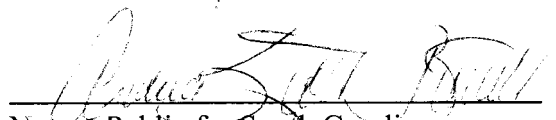
North Charleston, South Carolina.
DATED: 03/23, 2003.

STATE OF SOUTH CAROLINA)
) **VERIFICATION OF ACCOUNT**
 COUNTY OF CHARLESTON)

PERSONALLY appeared before me Paul W. Weaver, who, being duly sworn, deposes and states that he is the Director of Hospital Patient Accounting at MUSC Medical Center and as such he has been authorized to sign this Verification of Account stating that Richard D. McFaddin was treated at MUSC Medical Center on the dates listed on the attached chart. Furthermore, the outstanding balance due and owing on the accounts as of the date below totals \$ 425,510.⁰⁰.


 PAUL W. WEAVER

SWORN to before me this
~~16th~~ day of April, 2004.


 Notary Public for South Carolina
 My Commission Expires: 4/24/05

Provider: MUSC Medical Center
 Patient: Richard D. McFaddin
 Patient's SS#: 248-64-9898

Account Number	Date(s) of Service	Notes	Total Charges
102569852	04/18/03 - 05/16/03		\$141,647.88
476948336	05/20/03		\$243.00
477029946	05/22/03	Bal. \$260.85	\$268.00
477058119	05/27/03	Bal. \$0 Accordia pd. \$125.45 - 09/22 BCBS pd. 67.55 10/20	\$193.00
477290597	06/03/03 - 06/18/03		\$101,795.00
477627053	06/19/03	Bal. \$0 Accordia pd. \$258.00 10/31	\$258.00
477677124	06/20/03	Bal. \$0 Accordia pd. \$1,936.00 10/31	\$1,936.00
477687446	06/21/03	Bal. \$0 Accordia pd. \$1,754.00 on 12/31/03	\$1,754.00
477687453	06/22/03		\$1,248.00
477687461	06/23/03	Bal. \$0 Accordia pd. \$1,834.00 10/31	\$1,834.00
841630247	06/25/03 - 07/09/03		\$64,436.00
478055544	07/11/03	Bal. \$67.00	\$2,006.00
478113244	07/15/03	Bal. \$0 Accordia pd. \$2,376.00 on 12/15/03	\$2,376.00
478113442	07/13/03		\$2,883.00
478177397	07/17/03	Bal. \$0 Accordia pd. \$1,106.00 on 12/15/03	\$1,106.00

Provider: MUSC Medical Center
 Patient: Richard D. McFaddin
 Patient's SS#: 248-64-9898

102615317	07/18/03 - 07/24/03		\$17,028.00
478371289	07/28/03	Bal. \$0 Accordia pd. \$396.00 on 12/31/03	\$396.00
478431042	07/30/03	Bal. \$0 Accordia pd. \$256.00 on 12/31/03	\$256.00
478516537	08/06/03	Bal. \$0 Accordia pd. \$218.00 on 1/6/04	\$218.00
478676208	08/13/03		\$1,399.80
478810526	08/18/03	Bal. \$0 Accordia pd. \$67.00 on 1/6/04	\$67.00
478982234	08/27/03		\$1,596.80
479105306	08/28/03		\$1,488.00
102638731	09/02/03 - 09/16/03		\$59,083.00

TOTAL CHARGES: \$405,516.48

EXHIBIT A

ASSIGNMENT OF BENEFITS/RIGHTS

DESIGNATION OF AUTHORIZED REPRESENTATIVE

I, Nancy C. McFaddin, on behalf of Richard D. McFaddin ID # 248-64-9898, do hereby assign, transfer and convey to the Medical University Hospital Authority/MUSC Medical Center any and all rights to which Richard D. McFaddin was entitled under the employee welfare benefit plan sponsored by his employer ("the Plan"), including, but not limited to, the right to appeal an adverse benefit determination in connection with the medical goods and services that were provided to Richard D. McFaddin on April 18, 2003, through September 16, 2003.

Furthermore, I designate the Medical University Hospital Authority/MUSC Medical Center as Richard D. McFaddin's representative and authorize it to act on his behalf to (1) request and receive a copy of the summary plan description; (2) pursue a benefit claim; (3) appeal an adverse benefit determination; and/or (4) file a legal/equitable action to recover benefits due under the Plan.

This document shall remain in force until revoked by me, in writing.

Nancy C. McFaddin
NANCY C. MCFADDEN
(incorrectly spelled)

SWORN TO BEFORE ME THIS

19th day of November, 2003.

Susan H. Olshe
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 3-14-13

EXHIBIT B

LADDAGA - GARRETT, L.A.

ATTORNEYS AND COUNSELORS AT LAW
TRIDENT RESEARCH CENTER
5300 INTERNATIONAL BLVD., SUITE B-203
NORTH CHARLESTON, SOUTH CAROLINA 29418

LAWRENCE A. LADDAGA
laddaga@sehealthlaw.com
LINDA C. GARRETT
garrett@sehealthlaw.com

TELEPHONE
(843) 207-5040
FAX
(843) 207-5045

November 11, 2003

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Acordia National
Claims Processing Unit
602 Virginia Street, East
Post Office Box 3043
Charleston, West Virginia 25331-3043
ATTN: Plan Administrator/Plan Sponsor

RE:	Provider:	MUSC Medical Center
	Patient:	Richard McFaddin
	Treatment Date(s)	See Attached
	Accounts:	See Attached
	Total Charges:	\$405,516.48
	Insured:	Patient
	ID No:	248-64-9898
	Group Name:	Southeast Atlantic

Dear Acordia:

Please be advised that I represent MUSC Medical Center ("MUSC") regarding the above referenced accounts.

My understanding of the facts is as follows. During the time frame from April 18, 2003, through September 16, 2003, Richard McFaddin received medical goods and services from MUSC. At the times of his treatment, MUSC was informed that Mr. McFaddin was entitled to health care benefits under a group health insurance policy sponsored by his employer. During the course of his treatment, Mr. McFaddin incurred expenses for medical goods and services in the total amount of \$405,516.48. MUSC has submitted a claim for each admission but, to date, has not received payment on the claims for services provided to Richard McFaddin.

I would appreciate you notifying me as to the status of these claims and when my client can expect to receive payment. However, please be advised that if payment, in full, is not received by

Letter to Acordia
November 11, 2003
Page 2

MUSC within ten (10) days from receipt of this letter, we will proceed with review procedures in accordance with the applicable Department of Labor regulations, prior to filing suit under the Employee Retirement Income Security Act ("ERISA"), if applicable. As such, please advise me of the plan's review procedures for appealing a denied claim. Please also provide me with a written notice of denial.

If this is an ERISA plan, pursuant to 29 U.S.C. § 1024(b)(4) and ERISA's civil enforcement provision, 29 U.S.C. § 1132(c)(1), MUSC hereby requests a true copy of the written plan with all modifications, amendments and riders, to be forwarded to this office within thirty (30) days of receipt of this letter. Failure to comply with this request could result in the imposition of up to a \$110.00 per day fine.

In addition, if this is an ERISA plan, pursuant to 29 U.S.C. Section 1024(b)(4), MUSC hereby requests the following documents:

- (1) Summary plan description;
- (2) Plan description;
- (3) Latest annual report;
- (4) Any terminal report;
- (5) Any applicable collective bargaining agreement;
- (6) Any applicable trust agreement; and
- (7) Any other documents under which the plan is established or is operated.

Again, failure to comply with this request within thirty (30) days of receipt of this letter could result in the imposition of up to a \$110.00 per day fine.

With kind regards, I am

Sincerely,

LADDAGA - GARRETT, P.A.

A handwritten signature in black ink, appearing to read "Linda C. Garrett". The signature is fluid and cursive, with the first name "Linda" being the most prominent part.

Linda C. Garrett

LCG/jrb

cc: Client
Mrs. Nancy C. McFaddin

L. LADDAGA - GARRETT, P.A.
ATTORNEYS AND COUNSELORS AT LAW
TRIDENT RESEARCH CENTER
5300 INTERNATIONAL BLVD., SUITE B-203
NORTH CHARLESTON, SOUTH CAROLINA 29418

LAWRENCE A. LADDAGA
laddaga@sehealthlaw.com
LINDA C. GARRETT
garrett@sehealthlaw.com

TELEPHONE
(843) 207-5040
FAX
(843) 207-5045

December 2, 2003

Acordia National
602 Virginia Street, East
Charleston, West Virginia 25301

Acordia National
Post Office Box 3262
Charleston, West Virginia 25332-3262

RE:	Provider:	MUSC Medical Center
	Patient:	Richard McFaddin
	Treatment Date(s)	See Attached
	Accounts:	See Attached
	Total Charges:	\$405,516.48
	Insured:	Patient
	ID No:	248-64-9898
	Group Name:	Southeast Atlantic

Dear Acordia National:

As a follow-up to my letter dated November 11, 2003, enclosed please find copies of the following: (1) Assignment of Benefits/Rights - Designation of Authorized Representative; and (2) updated list of accounts.

As requested in my previous letter, a copy of which is enclosed, please send me a copy of the summary plan description and plan description for the employee welfare benefit plan under which Mr. McFaddin was covered.

With kind regards, I am

Sincerely,

LADDAGA - GARRETT, P.A.



Linda C. Garrett

LCG/
Enclosures
cc: Jan Murdock

EXHIBIT C

L. LADDAGA - GARRETT, P.A.

ATTORNEYS AND COUNSELORS AT LAW
TRIDENT RESEARCH CENTER
5300 INTERNATIONAL BLVD., SUITE B-203
NORTH CHARLESTON, SOUTH CAROLINA 29418

LAWRENCE A. LADDAGA
laddaga@sehealthlaw.com
LINDA C. GARRETT
garrett@sehealthlaw.com

TELEPHONE
(843) 207-5040
FAX
(843) 207-5045

December 2, 2003

Bluestone Industries, Inc.
P.O. Box 1085
Beckley, West Virginia 25801
ATTN: Human Resources/Employee Benefits Supervisor

RE:	Provider:	MUSC Medical Center
	Patient:	Richard McFaddin
	Treatment Date(s)	See Attached
	Accounts:	See Attached
	Total Charges:	\$405,516.48
	Insured:	Patient
	ID No:	248-64-9898
	Group:	Bluestone Industries, Inc. Management Medical Care Plan

Dear Bluestone Industries, Inc.:

Please be advised that I represent MUSC Medical Center ("MUSC") regarding the above referenced accounts.

My understanding of the facts is as follows. During the time frame from April 18, 2003, through September 16, 2003, Richard McFaddin received medical goods and services from MUSC. MUSC was informed and believes that Mr. McFaddin was entitled to health care benefits under a self-funded employee welfare benefit plan ("the Plan") sponsored by Bluestone Industries, Inc. During the course of his treatment, Mr. McFaddin incurred expenses for medical goods and services in the total amount of \$405,516.48. MUSC has submitted claims to Acordia National, the third-party administrator, but, to date, has not received payment on all of the claims.

As plan sponsor/administrator of this self-funded plan, I would appreciate you notifying me as to the status of these claims and when my client can expect to receive payment in full. Please note that I have enclosed a copy of an Assignment of Benefits/Rights - Designation of Authorized Representative, signed by Mr. McFaddin's spouse. Please be advised that if payment is not received by MUSC within ten (10) days from receipt of this letter, we will proceed with review procedures in accordance with the applicable Department of Labor regulations, prior to filing suit under the Employee Retirement Income Security Act ("ERISA"). As such, please advise me of the plan's

Letter to Bluestone Industri , Inc.
December 2, 2003
Page 2

review procedures for appealing a denied claim. Please also provide me with a written notice of denial.

If this is an ERISA plan, pursuant to 29 U.S.C. § 1024(b)(4) and ERISA's civil enforcement provision, 29 U.S.C. § 1132(c)(1), MUSC hereby requests a true copy of the written plan with all modifications, amendments and riders, to be forwarded to this office within thirty (30) days of receipt of this letter. Failure to comply with this request could result in the imposition of up to a \$110.00 per day fine.

In addition, if this is an ERISA plan, pursuant to 29 U.S.C. Section 1024(b)(4), MUSC hereby requests the following documents:

- (1) Summary plan description;
- (2) Plan description;
- (3) Latest annual report;
- (4) Any terminal report;
- (5) Any applicable collective bargaining agreement;
- (6) Any applicable trust agreement; and
- (7) Any other documents under which the plan is established or is operated.

Again, failure to comply with this request within thirty (30) days of receipt of this letter could result in the imposition of up to a \$110.00 per day fine.

With kind regards, I am

Sincerely,

LADDAGA - GARRETT, P.A.



Linda C. Garrett

LCG/

cc: Jan Murdock
Mrs. Nancy C. McFaddin

Provider: MUSC Medical Center
 Patient: Richard D. McFaddin
 Patient's SS#: 248-64-9898

Account Number	Date(s) of Service	Notes	Total Charges
102569852	04/18/03 - 05/16/03		\$141,647.88
476948336	05/20/03		\$243.00
477029946	05/22/03	Bal. \$260.85	\$268.00
477058119	05/27/03	Bal. \$0 Accordia pd. \$125.45 - 09/22 BCBS pd. 67.55 10/20	\$193.00
477290597	06/03/03 - 06/18/03		\$101,795.00
477627053	06/19/03	Bal. \$0 Accordia pd. \$258.00 10/31	\$258.00
477677124	06/20/03	Bal. \$0 Accordia pd. \$1,936.00 10/31	\$1,936.00
477687446	06/21/03		\$1,754.00
477687453	06/22/03		\$1,248.00
477687461	06/23/03	Bal. \$0 Accordia pd. \$1,834.00 10/31	\$1,834.00
841630247	06/25/03 - 07/09/03		\$64,436.00
478055544	07/11/03	Bal. \$67.00	\$2,006.00
478113244	07/15/03		\$2,376.00
478113442	07/13/03		\$2,883.00
478177397	07/17/03		\$1,106.00
102615317	07/18/03 - 07/24/03		\$17,028.00
478371289	07/28/03		\$396.00
478431042	07/30/03		\$256.00
478516537	08/06/03		\$218.00

December 1, 2003 (9:48AM)

Provider: MUSC Medical Center
Patient: Richard D. McFaddin
Patient's SS#: 248-64-9898

478676208	08/13/03		\$1,399.80
478810526	08/18/03		\$67.00
478982234	08/27/03		\$1,596.80
479105306	08/28/03		\$1,488.00
102638731	09/02/03 - 09/16/03		\$59,083.00

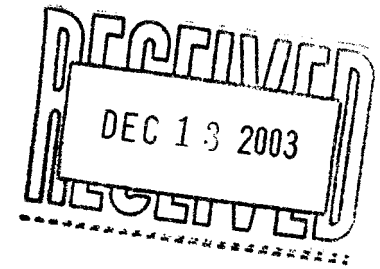
TOTAL CHARGES: \$405,516.48

December 1, 2003 (9:48AM)

EXHIBIT D



Acordia Financial
602 Virginia Street, East
P.O. Box 3262
Charleston, West Virginia 25332-3262
(304) 340-0253
Fax (304) 353-8773



December 9, 2003

Laddaga-Garrett, P.A.
Attorneys and Counselors at Law
Trident Research Center
5300 International Boulevard, Suite B-203
North Charleston, SC 29418

RE: Patient: Richard McFaddin
Employee: Richard McFaddin
ID#: 248-64-9898

Dear Sirs:

This letter is in response to your letter on November 11, 2003.

We are in receipt of your request. The following claims have been processed, released and checks have been issued.

<u>Account #</u>	<u>Date of Service</u>	<u>Total Charge</u>
476948336	05/20/2003	\$243.00
477029946	05/22/2003	\$268.00
477058119	05/27/2003	\$193.00
477627053	06/19/2003	\$258.00
477677124	06/02/2003	\$1,936.00
477687461	06/23/2003	\$1,834.00

The remaining claims have been processed and at this time the claims are currently waiting authorization from the client for payment to be released. By this being a self insured employer, we need notification from the employer advising when payment will be mailed.

<u>Account #</u>	<u>Date of Service</u>	<u>Total Charge</u>
102569852	04/18/2003 – 05/16/2003	\$141,647.88
477290597	06/03/2003 – 06/18/2003	\$101,795.00
477687446	06/21/2003	\$1,754.00
477687453	06/22/2003	\$1,248.00
841630247	06/25/2003 – 07/09/2003	\$64,436.00
478055544	07/11/2003	\$2,006.00
478113244	07/15/2003	\$2,376.00
478113442	07/13/2003	\$2,883.00
478177397	07/17/2003	\$1,106.00
102615317	07/18/2003 – 07/24/2003	\$17,028.00
478371289	07/28/2003	\$396.00
478431042	07/30/2003	\$256.00
478516537	08/06/2003	\$218.00
478676208	08/13/2003	\$1,399.80
478810526	08/18/2003	\$67.00
478982234	08/27/2003	\$1,596.80
479105306	08/28/2003	\$1,488.00
102638731	09/02/2003 – 09/16/2003	\$59,083.00

The Employee Retirement Income Security Act of 1974 (ERISA) provides the employee with the right to appeal a claim denial. If the employee does not agree with the reason why the claim was denied in whole or in part, he/she may follow the appeal procedure outlined on the back of this letter. Any additional documentation, which may be relevant to a review of the matter, should be included in a written request for review.

If you have any further questions, please feel free to contact us at 1-800-624-8605.

Thank you,

Jill Craig
Claims Examiner

JC/mjl

EXHIBIT E

LADDAGA - GARRETT, P.A.

ATTORNEYS AND COUNSELORS AT LAW
TRIDENT RESEARCH CENTER
5300 INTERNATIONAL BLVD., SUITE B-203
NORTH CHARLESTON, SOUTH CAROLINA 29418

LAWRENCE A. LADDAGA
laddaga@sehealthlaw.com
LINDA C. GARRETT
garrett@sehealthlaw.com

TELEPHONE
(843) 207-5040
FAX
(843) 207-5045

December 15, 2003

Plan Administrator
c/o Acordia National
Post Office Box 366
Charleston, West Virginia 25322

RE:	Provider:	MUSC Medical Center
	Patient:	Richard McFaddin
	Treatment Date(s)	See Attached
	Accounts:	See Attached
	Total Charges:	\$405,516.48
	Insured:	Patient
	ID No:	248-64-9898
	Employer:	Bluestone Industries

Dear Acordia National:

Please be advised that I represent MUSC Medical Center regarding the claims submitted for services provided to Richard D. McFaddin.

Enclosed please find a copy of an Assignment of Benefits/Rights - Designation of Authorized Representative signed by Mr. McFaddin's widow. Section 104(b)(4) of the Employee Retirement Income Security Act ("ERISA") states, in part: "The administrator shall, upon written request of any participant or beneficiary, furnish a copy of the latest updated summary plan description" 29 U.S.C. § 1024(b)(4). As the Authorized Representative of a plan participant, MUSC hereby requests a copy of the summary plan description ("SPD") for the employee welfare benefit plan under which Mr. McFaddin was insured. The SPD can be mailed to my office at the address given above.

With kind regards, I am

Sincerely,

LADDAGA - GARRETT, P.A.



Linda C. Garrett

LCG/
Enclosure
cc: Jan Murdock

Provider: MUSC Medical Center
 Patient: Richard D. McFaddin
 Patient's SS#: 248-64-9898

Account Number	Date(s) of Service	Notes	Total Charges
102569852	04/18/03 - 05/16/03		\$141,647.88
476948336	05/20/03		\$243.00
477029946	05/22/03	Bal. \$260.85	\$268.00
477058119	05/27/03	Bal. \$0 Accordia pd. \$125.45 - 09/22 BCBS pd. 67.55 10/20	\$193.00
477290597	06/03/03 - 06/18/03		\$101,795.00
477627053	06/19/03	Bal. \$0 Accordia pd. \$258.00 10/31	\$258.00
477677124	06/20/03	Bal. \$0 Accordia pd. \$1,936.00 10/31	\$1,936.00
477687446	06/21/03		\$1,754.00
477687453	06/22/03		\$1,248.00
477687461	06/23/03	Bal. \$0 Accordia pd. \$1,834.00 10/31	\$1,834.00
841630247	06/25/03 - 07/09/03		\$64,436.00
478055544	07/11/03	Bal. \$67.00	\$2,006.00
478113244	07/15/03		\$2,376.00
478113442	07/13/03		\$2,883.00
478177397	07/17/03		\$1,106.00
102615317	07/18/03 - 07/24/03		\$17,028.00
478371289	07/28/03		\$396.00
478431042	07/30/03		\$256.00
478516537	08/06/03		\$218.00

December 1, 2003 (9:48AM)

Provider: MUSC Medical Center
Patient: Richard D. McFaddin
Patient's SS#: 248-64-9898

478676208	08/13/03		\$1,399.80
478810526	08/18/03		\$67.00
478982234	08/27/03		\$1,596.80
479105306	08/28/03		\$1,488.00
102638731	09/02/03 - 09/16/03		\$59,083.00

TOTAL CHARGES: \$405,516.48

December 1, 2003 (9:48AM)

EXHIBIT F

L. LADDAGA - GARRETT, L.A.

ATTORNEYS AND COUNSELORS AT LAW
TRIDENT RESEARCH CENTER
5300 INTERNATIONAL BLVD., SUITE B-203
NORTH CHARLESTON, SOUTH CAROLINA 29418

LAWRENCE A. LADDAGA
laddaga@sehealthlaw.com
LINDA C. GARRETT
garrett@sehealthlaw.com

TELEPHONE
(843) 207-5040
FAX
(843) 207-5045

January 16, 2004

Plan Administrator
c/o Acordia National
Post Office Box 366
Charleston, West Virginia 25322

RE: Provider:	MUSC Medical Center
Patient:	Richard McFaddin
Treatment Date(s)	See Attached
Accounts:	See Attached
Total Charges:	\$405,516.48
Insured:	Patient
ID No:	248-64-9898
Employer:	Bluestone Industries

-REQUEST FOR REVIEW OF ADVERSE BENEFIT DETERMINATION-

Dear Acordia National:

As you may recall, I represent MUSC Medical Center regarding the claims submitted for services provided to Richard D. McFaddin.

In accordance with Department of Labor Regulations, specifically 29 C.F.R. § 2560.503-1(f), we are now treating these claims as denied and requesting a review of the denial(s). Please note that as plan administrator, Acordia has sixty (60) days to review these claims. 29 C.F.R. § 2560.503-1(i).

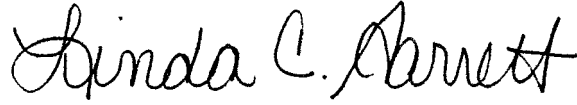
Furthermore, I am again requesting a copy of the summary plan description for the employee welfare benefit plan established and maintained by Richard McFaddin's employer.

With kind regards, I am

Letter to Acordia
January 16, 2004
Page 2

Sincerely,

LADDAGA - GARRETT, P.A.

A handwritten signature in black ink that reads "Linda C. Garrett". The signature is written in a cursive style with a large, stylized "L" and "G".

Linda C. Garrett

LCG/

Enclosures

cc: Jan Murdock
Bluestone Industries, Inc.
Mrs. Nancy C. McFaddin

Provider: MUSC Medical Center
 Patient: Richard D. McFaddin
 Patient's SS#: 248-64-9898

Account Number	Date(s) of Service	Notes	Total Charges
102569852	04/18/03 - 05/16/03		\$141,647.88
476948336	05/20/03		\$243.00
477029946	05/22/03	Bal. \$260.85	\$268.00
477058119	05/27/03	Bal. \$0 Accordia pd. \$125.45 - 09/22 BCBS pd. 67.55 10/20	\$193.00
477290597	06/03/03 - 06/18/03		\$101,795.00
477627053	06/19/03	Bal. \$0 Accordia pd. \$258.00 10/31	\$258.00
477677124	06/20/03	Bal. \$0 Accordia pd. \$1,936.00 10/31	\$1,936.00
477687446	06/21/03	Bal. \$0 Accordia pd. \$1,754.00 on 12/31/03	\$1,754.00
477687453	06/22/03		\$1,248.00
477687461	06/23/03	Bal. \$0 Accordia pd. \$1,834.00 10/31	\$1,834.00
841630247	06/25/03 - 07/09/03		\$64,436.00
478055544	07/11/03	Bal. \$67.00	\$2,006.00
478113244	07/15/03	Bal. \$0 Accordia pd. \$2,376.00 on 12/15/03	\$2,376.00
478113442	07/13/03		\$2,883.00
478177397	07/17/03		\$1,106.00
102615317	07/18/03 - 07/24/03		\$17,028.00

Provider: MUSC Medical Center
 Patient: Richard D. McFaddin
 Patient's SS#: 248-64-9898

478371289	07/28/03	Bal. \$0 Accordia pd. \$396.00 on 12/31/03	\$396.00
478431042	07/30/03	Bal. \$0 Accordia pd. \$256.00 on 12/31/03	\$256.00
478516537	08/06/03	Bal. \$0 Accordia pd. \$218.00 on 1/6/04	\$218.00
478676208	08/13/03		\$1,399.80
478810526	08/18/03	Bal. \$0 Accordia pd. \$67.00 on 1/6/04	\$67.00
478982234	08/27/03		\$1,596.80
479105306	08/28/03		\$1,488.00
102638731	09/02/03 - 09/16/03		\$59,083.00

TOTAL CHARGES:

\$405,516.48

ASSIGNMENT OF BENEFITS/RIGHTS

DESIGNATION OF AUTHORIZED REPRESENTATIVE

I, Nancy C. McFaddin, on behalf of Richard D. McFaddin ID # 248-64-9898, do hereby assign, transfer and convey to the Medical University Hospital Authority/MUSC Medical Center any and all rights to which Richard D. McFaddin was entitled under the employee welfare benefit plan sponsored by his employer ("the Plan"), including, but not limited to, the right to appeal an adverse benefit determination in connection with the medical goods and services that were provided to Richard D. McFaddin on April 18, 2003, through September 16, 2003.

Furthermore, I designate the Medical University Hospital Authority/MUSC Medical Center as Richard D. McFaddin's representative and authorize it to act on his behalf to (1) request and receive a copy of the summary plan description; (2) pursue a benefit claim; (3) appeal an adverse benefit determination; and/or (4) file a legal/equitable action to recover benefits due under the Plan.

This document shall remain in force until revoked by me, in writing.

Nancy C. McFaddin
NANCY C. MCFADDEN
(incorrectly spelled)

SWORN TO BEFORE ME THIS

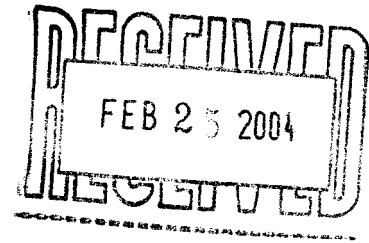
19th day of November, 2003.

Joyan H. Olshe
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 3-14-13

EXHIBIT G



Acordia National
602 Virginia Street, East
P.O. Box 3262
Charleston, West Virginia 25332-3262
(304) 340-0253
Fax (304) 353-8773



February 19, 2004

Laddaga-Garrett, P.A.
Attorneys and Counselors at Law
Trident Research Center
5300 International Blvd., Suite B-203
North Charleston, SC 29418

Re:	Provider:	MUSC Medical Center
	Patient:	Richard McFaddin
	Treatment Dates:	See Attached
	Accounts:	See Attached
	Total Charges:	\$405,516.48
	Insured:	Richard McFaddin
	Patient:	Richard McFaddin
	ID No:	248-64-9898
	Employer:	Bluestone Industries

Dear Linda Garrett:

In response to your letter of January 16, 2004, I have reviewed the claims in question. All claims in question have been received and processed by Acordia National. We are the Third Party Administrator for Bluestone Industries. Bluestone Industries is a self funded client. All payments will be released upon receiving funds from Bluestone Industries.

If you have any questions about when the funding will be provided, please contact Bluestone Industries at 304-252-8528, P.O. Box 1085, Beckley, WV 25802-1085.

Sincerely,

A handwritten signature in cursive script that reads "Brenda Fore".

Brenda Fore
Assistant Vice President
Acordia National

BF/mjl